

**2005 DRAFTING REQUEST**

**Bill**

Received: **11/14/2005**

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Luther Olsen (608) 266-0751**

By/Representing: **Rebecca Hogan**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - boats snomos ATVs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Olsen@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Saftey training requirements for operators of motorboats

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**Instructions:**

AB 248, including AA 1

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mglass 11/20/2005	lkunkel 11/21/2005	chaugen 11/22/2005	_____	sbasford 11/22/2005	lnorthro 11/28/2005	

FE Sent For:

<END>

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/?	mglass	1/mk 11/21	Ch 11-22	Ch 11-22	PS		
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FE Sent For:

<END>

## Gibson-Glass, Mary

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**From:** Hogan, Rebecca  
**Sent:** Thursday, November 10, 2005 9:49 AM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: Companion to AB 248

**Attachments:** AB-248.pdf; AB248-AA1.pdf; ab248aa1memo.pdf; Mandatory Boater Education.doc; Talking Points for AB 248.doc

Mary - I see that you drafted this bill for Rep. Hines office. Their office has asked us to draft a Senate companion. Can you please draft the bill for Senator Olsen and include the language from assembly amendment 1? Thank you!

Rebecca Hogan  
Office of Senator Luther Olsen  
608-266-0751

---

**From:** Parrott, Douglas  
**Sent:** Wednesday, November 09, 2005 11:49 AM  
**To:** Hogan, Rebecca; Smith, Heather  
**Subject:** Companion to AB 248

Heather and Rebecca,

Doc talked with Luther this morning about drafting a companion bill to our boating education bill, AB 248 and Luther agreed to do so. I'm not sure who will be handling this in your office, so I'm sending this message to both of you.

I have attached: the bill itself; the amendment we introduced and passed in committee; the co-sponsorship memo when we first circulated the bill; and the talking points I put together for Doc. I am working on putting together a list of individuals and groups that testified at the hearing back in May and I will send that to you as soon as it's completed.

Please let me know if you need anything else or have any questions.

Thanks,

Doug

Douglas Parrott  
Office of Representative J.A. "Doc" Hines  
608-266-7746  
888-534-0042



AB-248.pdf (23 KB) AB248-AA1.pdf (15 KB)



ab248aa1memo.pdf (41 KB)



Mandatory Boater Education.doc...



Talking Points for AB 248.doc ...



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

<b>2005 Assembly Bill 248</b>	<b>Assembly Amendment 1</b>
<i>Memo published: October 11, 2005</i>	<i>Contact: Mark C. Patronsky, Senior Staff Attorney (266-9280)</i>

**Current law** allows a person who is 16 years of age or older to operate a motorboat without completing the boating safety course. (A "motorboat" is any type of motorized watercraft, including personal watercraft.) A person who is at least 12 years of age but less than 16 years of age may operate a motorboat which is not a personal watercraft either with adult supervision or with a valid boating safety certificate. (Adult supervision requires a parent, guardian, or person 18 years of age or older who is approved by the parent or guardian, to accompany the 12 to 15-year old operator in the boat.) A person who is at least 12 years of age but less than 16 years of age must have a boating safety certificate in order to operate a personal watercraft.

**Assembly Bill 248** adds to the current statute a requirement that any motorboat operator (including the operator of a personal watercraft) who was born after January 1, 1989 and is over the age of 16 must have a boating safety certificate. If this bill is adopted, all motorboat operators will eventually be required to have a boating safety certificate. Assembly Bill 248 also clarifies that the requirement to have a boating safety certificate may be satisfied by a boating safety certificate issued by another state or Canadian province if the Department of Natural Resources (DNR) determines that the course content of the other state or Canadian province substantially meets the standards for the boating safety program established by the DNR.

**Assembly Amendment 1** modifies the current statute on rental of personal watercraft. The current statute provides that a person who is in the business of renting personal watercraft to the public must provide instructions to a person who is renting a personal watercraft for the first time and who does not have a boating safety certificate. The DNR promulgates rules to establish minimum standards for this instruction. The amendment expands the statute on rental of personal watercraft so that it applies to the rental of any motorboat. The amendment also requires that the instruction be given by the person operating the motorboat rental business each time the person will be operating a motorboat for the first time in any calendar year.

### **Legislative History**

Assembly Amendment 1 was offered by Representative Hines on June 21, 2005 and adopted by the Assembly Committee on Natural Resources on July 7, 2005 by a vote of Ayes, 14; Noes, 0. The

Assembly Committee on Natural Resources recommended passage of Assembly Bill 248 as amended on July 7, 2005 by a vote of Ayes, 14; Noes, 0.

MCP:wu

TO: All Legislators

FROM: Representative Jake Hines

DATE: February 23, 2005

RE: Co-sponsorship of LRB-1678/2, relating to operation of motorboats by persons who are at least 16 years of age and born after a certain date.

---

Currently in Wisconsin, anyone over the age of 16 can operate any motorboat or personal watercraft with no prior training or boater education. I am introducing legislation that will require anyone 16 years of age or older and who is born after January 1, 1989 to have completed a boating safety course and issued a certificate upon completion of the course in order to operate a motorboat or personal watercraft in the state of Wisconsin. The certificate can be issued by any state or Canadian province if the course contents meet the requirements set by the Wisconsin Department of Natural Resources. Thirty-five states already require mandatory boating education.

The concept of this bill is nothing new in Wisconsin. Individuals who wish to hunt, snowmobile, or operate ATV's in Wisconsin already face similar laws that require safety education for those born after a certain date. All three of these activities continue to be extremely popular with residents and non-residents, and have suffered no ill effects by requiring safety education. The DNR already has in place a successful boating education course that can be completed in a classroom, at home via the Internet, or a combination of both.

The number of boaters using Wisconsin's waterways has grown by over 20% in the last decade and all indications are that trend will continue. Most boating accidents result from a lack of knowledge of safe boating practices and boating regulations. Educating more boaters is a simple and effective way to reduce the number of boating accidents that result in injury or death.

The LRB analysis is printed below.

**If you would like to sign on as a co-sponsor, please contact my office at 6-7746 by 4pm, Friday, March 11.**

---

*Analysis by the Legislative Reference Bureau*

Under current law, a person who is 16 years of age or older may operate a motorboat without completing a boating safety course or otherwise being tested as to his or her knowledge regarding boating operation and safety. Under this bill, a person who is 16 years of age or older and who is born after January 1, 1987, must complete a boating

safety course established by the Department of Natural Resources (DNR) and must be issued a certificate of completion. Under current law, a certificate issued by another state or a Canadian province will be honored in this state if the course content substantially meets the requirements for the course established by the DNR

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

Attached for review is a copy of the bill.



05-16782.pdf



### Talking Points for AB 248

- This bill **DOES NOT** require mandatory education for every boater
  - It only requires testing for individuals born **AFTER** January 1, 1989 and only when they turn 16 years of age.
  - Existing law already covers children younger than 16 years of age
- This bill is identical to the laws that require mandatory testing for individuals born after a certain date who wish to hunt, operate a snowmobile, or operate an ATV in Wisconsin.
- Will reduce the number of unnecessary accidents that sometimes result in tragedy
  - Most boating accidents that occur are a result of a lack of knowledge of safe boating practices and boating regulations.
- 32 states currently require mandatory boating education. States surrounding Wisconsin are looking at also requiring mandatory education.
  - Iowa is considering a law identical to AB 248.
  - Minnesota is working on passing a bill to require personal flotation devices for children and will soon be addressing the issue of mandatory boating education.
- It is not necessary for out of state residents to complete Wisconsin's education course. Wisconsin will recognize certificates issued by any state in the U.S. or by any Canadian Province.
- Will reduce the number of unnecessary accidents that sometimes result in tragedy
  - Most boating accidents that occur are a result of a lack of knowledge of safe boating practices and boating regulations.
- The Department of Natural Resources has a successful boating education program in place. No new system needs to be created. People can take the course one of 3 ways:
  - They can take the entire course and exam in a classroom setting w/ an instructor.
  - They can receive the course materials through the mail, study at home, and then take a proctored exam at a designated location.
  - They can take the entire course and exam on-line.
- This bill is supported by: the Wisconsin Department of Natural Resources; the National Transportation Safety Board; the United States Coast Guard; the United States Coast Guard Auxiliary; the United States Power Squadron; law enforcement agencies statewide; Bombardier-OMC; Mercury Marine; National Marine Manufacturers Association; American Waterways Operators; Professional Watercraft Industry Association; National Recreational Boating Coalition; Badgerland Jet Sports Association; Tri-County Power Boaters Alliance; Wisconsin Dells Visitor and Convention Bureau; and a number boating groups and boaters statewide.

**ASSEMBLY BILL 248 (LRB -1678)**

An Act to repeal 30.68 (3) (b); to renumber 30.68 (3) (a); to renumber and amend 30.68 (3) (c) 1., 30.68 (3) (c) 2., 30.68 (3) (c) 3. and 30.68 (3) (d); to amend 30.68 (3) (title), 30.742, 30.80 (2) and 30.80 (2m); and to create 30.678 (title) and (1), 30.678 (2) (title) and (c) and 30.678 (3) of the statutes; relating to: operation of motorboats by persons who are at least 16 years of age and born after a certain date. (FE)

**2005**

06-01.	A.	Introduced by Representatives <b>Hines, Freese, Townsend, Hundertmark, Black, Ott, Ainsworth, Bies, Berceau, Lehman, Krawczyk, Van Roy, Owens, Moulton, Jeskewitz and Molepske</b> ; cosponsored by Senators <b>Olsen and Miller</b> .	
03-18.	A.	Read first time and referred to committee on Natural Resources .....	145
04-08.	A.	Fiscal estimate received.	
05-25.	A.	Public hearing held.	
06-01.	A.	Senator Roessler added as a cosponsor .....	262
06-21.	A.	Assembly amendment 1 offered by Representative Hines ( <b>LRB a0496</b> ) .....	306
06-29.	A.	Executive action taken.	
07-07.	A.	Report Assembly Amendment 1 adoption recommended by committee on Natural Resources, Ayes 14, Noes 0 .....	359
07-07.	A.	Report passage as amended recommended by committee on Natural Resources, Ayes 14, Noes 0 .....	359
07-07.	A.	Referred to committee on Rules .....	359

Bill Sect. No.	Introduced No.	Page No.	Line No.	Error Message
NONE	AA1-AB248	1	6	
1B	AA1-AB248	2	1	
1C	AA1-AB248	2	1	
1D	AA1-AB248	2	1	
1E	AA1-AB248	2	1	
9	AA1-AB248	4	1	
10G	AA1-AB248	4	8	
10R	AA1-AB248	4	8	

Wed  
11/23

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

LPS: Pls thaw  
frozen #'s

1

**AN ACT ...; relating to: ???**

*Analysis by the Legislative Reference Bureau*

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

2

(END)



2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4086/insCH  
MGG:....ch

1  
2 **AN ACT to repeal** 30.68 (3) (b); **to renumber** 30.68 (3) (a); **to renumber and**  
3 **amend** 30.625 (2), 30.68 (3) (c) 1., 30.68 (3) (c) 2., 30.68 (3) (c) 3. and 30.68 (3)  
4 (d); **to amend** 30.625 (title), 30.625 (1) (intro.), 30.625 (1) (a), 30.68 (3) (title),  
5 30.74 (1) (a), 30.74 (1) (b), 30.742, 30.80 (2) and 30.80 (2m); and **to create** 30.678  
6 (title) and (1), 30.678 (2) (title) and (c) and 30.678 (3) of the statutes; **relating**  
7 **to:** operation of motorboats by persons who are at least 16 years of age and born  
8 after a certain date and the rental of motorboats.

*Analysis by the Legislative Reference Bureau*

Under current law, a person who is 16 years of age or older may operate a motorboat without completing a boating safety course or otherwise being tested as to his or her knowledge regarding boating operation and safety. Under this bill, a person who is 16 years of age or older and who is born after January 1, 1989, must complete a boating safety course established by the Department of Natural Resources (DNR) and must be issued a certificate of completion. Under current law, a certificate issued by another state or a Canadian province will be honored in this state if the course content substantially meets the requirements for the course established by DNR.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

**The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:**

9 **SECTION 1b.** 30.625 (title) of the statutes is amended to read:

10 **30.625 (title) Rental of personal watercraft motorboats.**

11 **SECTION 1c.** 30.625 (1) (intro.) of the statutes is amended to read:

12 30.625 (1) (intro.) No person who is engaged in the rental or leasing of personal  
13 watercraft motorboats to the public may do any of the following:

1           SECTION ~~Id.~~ 30.625 (1) (a) of the statutes is amended to read:

2           30.625 (1) (a) Rent or lease a ~~personal watercraft~~ motorboat for operation by  
3 a person who will be operating a ~~personal watercraft~~ motorboat for the first time in  
4 each calendar year and who does not hold a valid certificate issued under s. 30.74 (1)  
5 unless the person engaged in the rental or leasing gives the person instruction on  
6 how to operate a ~~personal watercraft~~ motorboat in the manner established by the  
7 department under s. 30.74 (1) (am).

8           SECTION ~~Id.~~ 30.625 (2) of the statutes is renumbered 30.74 (1) (am) amended  
9 to read:

10          30.74 (1) (am) The department may promulgate rules to establish minimum  
11 standards and procedures for the instruction given under sub. (1) (a) s. 30.625 (1) (a).

12          SECTION ~~Im.~~ 30.678 (title) and (1) of the statutes are created to read:

13          **30.678 (title) Boating safety certificates; requirements; exemptions;**  
14 **operation by minors. (1) MOTORBOATS OTHER THAN PERSONAL WATERCRAFT. (a) No**  
15 **person under 10 years of age may operate a motorboat.**

16          (b) No person who is at least 10 years of age but under 12 years of age may  
17 operate a motorboat unless he or she is accompanied in the motorboat by a parent  
18 or guardian or by a person who is at least 18 years of age and who is designated by  
19 a parent or guardian. ✓

20          (c) No person who is at least 12 years of age but under 16 years of age may  
21 operate a motorboat unless one of the following applies: ✓

22           1. The person holds a valid boating safety certificate issued under s. 30.74 (1)  
23 (a) or a valid boating safety certificate that is honored under s. 30.74 (1) (c). ✓

24           2. The person is accompanied in the motorboat by a parent or guardian or by  
25 a person who is at least 18 years of age and who is designated by a parent or guardian. ✓

(d) No person who was born on or after January 1, 1989, and who is 16 years of age or older may operate a motorboat unless the person holds a valid safety certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that is honored under s. 30.74 (1) (c).

(e) Paragraphs (a) to (d) do not apply to the operation of a personal watercraft.

**SECTION 1.** 30.678 (2) (title) and (c) of the statutes are created to read:

30.678 (2) (title) PERSONAL WATERCRAFT.

(c) No person who was born on or after January 1, 1989, and who is 16 years of age or older may operate a personal watercraft unless the person holds a valid safety certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that is honored under s. 30.74 (1) (c).

**SECTION 2.** 30.678 (3) of the statutes is created to read:

30.678 (3) EXEMPTION. Subsections (1) (b), (c), and (d) and (2) (b) and (c) do not apply to a person while the person is operating a motorboat as may be required as part of a boating safety course under s. 30.74 (1).

**SECTION 3.** 30.68 (3) (title) of the statutes is amended to read:

30.68 (3) (title) OPERATION BY INCAPACITATED PERSON OR MINOR.

**SECTION 4.** 30.68 (3) (a) of the statutes is renumbered 30.68 (3).

**SECTION 5.** 30.68 (3) (b) of the statutes is repealed.

**SECTION 6.** 30.68 (3) (c) 1. of the statutes is renumbered 30.678 (2) (a) and amended to read:

30.678 (2) (a) No person under the age of 12 years of age may operate, lease or rent a personal watercraft.

**SECTION 7.** 30.68 (3) (c) 2. of the statutes is renumbered 30.625 (1m) and amended to read:

1 30.625 (1m) No person who is at least 12 years of age but under 16 years of age  
2 may rent or lease a personal watercraft. ✓

3 SECTION 8. 30.68 (3) (c) 3. of the statutes is renumbered 30.678 (2) (b) and  
4 amended to read:

5 30.678 (2) (b) No person who is at least 12 years of age or older but under 16  
6 years of age may operate a personal watercraft unless he or she is in possession of  
7 a valid certificate issued under s. 30.74 (1) (a) or a valid boating safety certificate that  
8 is honored under s. 30.74 (1) (c).

9 SECTION 9. 30.68 (3) (d) of the statutes is renumbered 30.678 (4) and amended  
10 to read:

11 30.678 (4) PARENT AND GUARDIAN LIABILITY. A violation of par. (b) or (e) sub. (1)  
12 (a), (b), (c), or (d) or (2) (a), (b), or (c) that is done with the knowledge of a parent or  
13 guardian shall be deemed considered a violation by the parent or guardian, and shall  
14 be punishable under s. 30.80.

15 SECTION 10g. 30.74 (1) (a) of the statutes is amended to read:

16 30.74 (1) (a) The department shall create comprehensive courses on boating  
17 safety and operation. These courses shall be offered in cooperation with schools,  
18 private clubs and organizations, and may be offered by the department in areas  
19 where requested and where other sponsorship is unavailable. The department shall  
20 issue certificates to persons 10 years of age or older successfully completing such  
21 courses. The department shall prescribe the course content and the form of the  
22 certificate.

23 SECTION 10r. 30.74 (1) (b) of the statutes is amended to read:

24 30.74 (1) (b) The department shall prescribe the course content and the form  
25 of the certificate. An instructor A person conducting a course or giving instruction



1 under this subsection shall collect the instruction fee from each person who receives  
2 instruction. The department may determine the portion of this fee, which may not  
3 exceed ~~50%~~ <sup>50 percent</sup>, that the instructor person may retain to defray expenses incurred by the  
4 instructor person in conducting the course or giving the instruction. The instructor  
5 person shall remit the remainder of the fee or, if nothing is retained, the entire fee  
6 to the department. The department by rule shall set the fee for the course. ✓

7 **SECTION 10.** 30.742 of the statutes is amended to read:

8 **30.742 Water exhibitions and races; rules.** For water exhibitions or races,  
9 the department may promulgate rules that provide exemptions from any of the  
10 requirements or restrictions under s. 30.61, 30.62, 30.65, 30.66, 30.678, 30.68 or  
11 30.69. ✓

12 **SECTION 11.** 30.80 (2) of the statutes is amended to read:

13 30.80 (2) Any person violating s. 30.68 (2) shall be fined not more than \$200  
14 or imprisoned for not more than 6 months or both. ~~Any person violating s. 30.68 shall~~  
15 ~~be required to obtain a certificate of satisfactory completion of a safety course under~~  
16 ~~s. 30.74 (1).~~

17 **SECTION 12.** 30.80 (2m) of the statutes is amended to read:

18 30.80 (2m) Any person violating s. 30.678 <sup>✓</sup> or 30.68 shall be required to obtain  
19 a certificate of satisfactory completion of a safety course under s. 30.74 (1). If the  
20 person has a valid certificate at the time that the court imposes sentence under sub.  
21 (1) or (2), the court shall permanently revoke the certificate and order the person to  
22 obtain a certificate of satisfactory completion of a safety course under s. 30.74 (1).

23 (END)

2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-4086/?ins

MGG:.....

INS ANL

¶ Under current law, a person <sup>may not</sup> who rents a personal watercraft to a person who will be operating one for the first time and who does not have a valid boating safety certificate unless the person offering the personal watercraft for rent gives the person renting the personal water craft instruction on how to operate it. Under current law, DNR has the authority to promulgate as rules minimum standards of instruction. ✓

<sup>the</sup> This bill expands this requirement to include all motorboats. ✓ It also requires that the instruction be given to any person who is operating a motorboat for the first <sup>time</sup> in a calendar year, instead of just requiring one-time instruction. ✓ The bill also allows persons giving ~~this~~ instruction to collect an instruction fee for the instruction in the same manner ~~the instructors~~ conducting boating safety courses. Under current law, <sup>as</sup> DNR determines the portion of the fee, which may not exceed 50%, that the person giving the instruction may retain. <sup>percent</sup>

course

persons

**Northrop, Lori**

---

**From:** Hogan, Rebecca  
**Sent:** Monday, November 28, 2005 10:59 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-4086/1 Topic: Saftey training requirements for operators of motorboats

It has been requested by <Hogan, Rebecca> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-4086/1 Topic: Saftey training requirements for operators of motorboats